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REMARKS

I. Specification

The Examiner objected to the disclosure because of the following informalities: The Examiner noted that typographical errors were located in paragraph [003] "the a search" and paragraph [0041] "simply user a scaled-down".

The Examiner also noted the use of acronyms (e.g. PAL, EPROM, etc.) in the specification without first including a description in plain text, as required.

The Applicant notes that paragraphs [003], [0031] and [0041] have been amended in response to these objections.

The Applicant further notes that paragraphs [004], [006], [007], [0031], [0037] - [0039], and [0046] - [0047] have also been amended for typographical errors. The Applicant submits that no new matter has been added with these amendments.

II. Claim Rejections - 35 USC § 102

Requirements for Prima Facie Anticipation

A general definition of *prima facie* unpatentability is provided at 37 C.F.R. §1.56(b)(2)(ii):

> A *prima facie* case of unpatentability is established when the information *compels a conclusion* that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability. (*emphasis added*)

"Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." *W.L. Gore & Associates v. Garlock, Inc.*,

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721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983) (citing *Soundscriber Corp. v. United States*, 360 F.2d 954, 960, 148 USPQ 298, 301 (Ct. Cl.), *adopted*, 149 USPQ 640 (Ct. Cl. 1966)), *cert. denied*, 469 U.S. 851 (1984). Thus, to anticipate the applicants' claims, the reference cited by the Examiner must disclose each element recited therein. "There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention." *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d 1565, 18 USPQ 2d 1001, 1010 (Fed. Cir. 1991).

To overcome the anticipation rejection, the applicants need only demonstrate that not all elements of a *prima facie* case of anticipation have been met, *i.e.*, show that the reference cited by the Examiner fails to disclose every element in each of the applicants' claims. "If the examination at the initial state does not produce a prima face case of unpatentability, then without more the applicant is entitled to grant of the patent." *In re Oetiker*, 977 F.2d 1443, 24 USPQ 2d 1443, 1444 (Fed. Cir. 1992).

Komar et al.

The Examiner rejected claims 1-20 under 35 U.S.C. §102(e) as being anticipated by Komar et al. (U.S. Patent Application No. 2003/0079224 A1), hereinafter referred to as "Komar".

Regarding claims 1 and 10, the Examiner argued that Komar discloses a method and system comprising: a) associating at least one object with a data item, wherein said at least one object contains information relevant to said data item (citing page 4, paragraph [0031]); and b) displaying a compacted view of said data item in allocation of a display screen proximate to said at least one object, wherein a selection of said at least one object invokes a display of information relevant to said data item (citing page 2, paragraph [0016]).

The Applicant respectfully disagrees with this assessment and notes that claims 1 and 10 have been amended to include the limitation "wherein said compacted view of said data item is a representation of said data item". The data item in the Applicant's claims is represented by a compacted data item (thumbnail). A *compacted view* of a data item is the same item in a compacted form, i.e. the compacted view is a *representation of the entire data item*, also called a *thumbnail* view in the computer arts. This amendment clarifies the applicant's invention with this distinction.

Komar does not disclose displaying a compacted view of a data item on a display screen. The Examiner has cited Komar paragraph [0031] for associating one object with a data item, however, the Applicant is confused as to what the Examiner considers is the "data item" or the "compacted view of the data item" in the Komar reference.

The "data item" as in claims 1 and 10 is not necessarily displayed on the display screen, only the compacted view of the data item is displayed, therefore to disclose the same limitations as the Applicant's claims 1 and 10, Komar must disclose a "data item" that may not displayed, but is represented by the displayed *compacted* view of the data item (i.e. the thumbnail view). Komar discloses "display areas" on the display screen, but these display areas are not representations of an entire data item. Komar paragraph [0031] does not even disclose what the data item would be.

Additionally, the Examiner has cited Komar paragraph [0016] for the display of the *compacted view* of the data item on the display screen and for invoking a display of information relevant to the data item, however, Komar paragraph [0016] does not mention a *compacted* view of a data item. Again, Komar discloses display areas in paragraph [0016], further disclosing that these display areas are selectable but not disclosing that these "display areas" are compacted views of

anything. The display areas in Komar are just areas on the video that are selectable; they are not representations of a data item. If the "display areas" are the Examiner's citation of a data item, then where is it disclosed that there is a compacted view of the data item? On the other hand, if the "display areas" are considered by the Examiner to be the compacted view of a data item, then where is it disclosed in Komar that these display areas are representations of a data item? Where is the data item that is represented by the compacted view?

Komar does disclose in paragraph [0016] that information can be retrieved by the selectable display areas but, however, does not disclose that this information is relevant to the data item that is represented by a compacted view. Since the display areas of Komar are not compacted views which are also representations of a data item, they also can not disclose that the information is relevant to a data item. Again, where is the "data item" or its relevant information disclosed in Komar?

Komar does not disclose all of the limitations of the amended claims 1 and 10 and therefore does not anticipate the Applicant's claims. Komar does not disclose 1) a data item and a compacted view of the data item, 2) that the compacted view of the data item is a representation of the data item, and 3) that information relevant to the data item is invoked by selecting an object in association with the compacted view of the data item.

Based on the foregoing, the Applicant respectfully requests that the 35 U.S.C. §102(e) rejections of claims 1 and 10 based on the Komar reference be withdrawn, as Komar does not disclose each and every limitation of the Applicant's claims.

Regarding claims 2 and 12, the Examiner argued that Komar discloses a method and system as in claims 1 and 10 above and further discloses automatically invoking display of information relevant to said data item in response to dragging a graphically displayed cursor across said at least one object displayed

on said display screen (citing page 2, paragraph [0021]; and page 4, paragraphs [0031] and [0032]).

The Applicant respectfully disagrees with this assessment and notes that the argument presented above against the rejections of claims 1 and 10 apply equally against the rejections of claims 2 and 12, as these claims are dependent upon claims 1 and 10. Also, as argued above, Komar does not disclose a "data item" and does not disclose that information relevant to the data item is displayed on the display screen.

Therefore, Komar does not disclose each and every limitation of the Applicant's claims 2 and 12. Based on the foregoing, the Applicant respectfully request that the 35 U.S.C. §102(e) rejections of claims 2 and 12 be withdrawn.

Regarding claims 3 and 13, the Examiner argued that Komar discloses a method and system as in claims 1 and 10 above and further discloses selecting said at least one object to invoke a display of information relevant to said data item (citing page 2, paragraph [0016]).

Regarding claims 4 and 14, the Examiner argued that Komar discloses a method and system as in claims 1 and 10 above and further discloses information relevant to said data item in a form of graphical pop-up window, which when selected by user activates an additional graphical window comprising further information relevant to said data item (citing page 3, paragraph [0025]; and page 4, paragraph [0031] and [0032]).

Regarding claims 5 and 15, the Examiner argued that Komar discloses information relevant to said data item in a form of graphical pop-up window, which when selected by user activates a an additional graphical window comprising further information relevant to said data item as in claims 4 and 14 above and further discloses that the additional graphical window comprises and interactive

region for initiating at least one user transaction thereof (citing page 2, paragraph [0016]).

Regarding claims 6 and 16, the Examiner argued that Komar discloses a method and system as in claims 1 and 10 above and further discloses at least one object as a graphical iconette displayable on said display screen (citing page 2, paragraph [0016]; page 4, paragraph [0004]; and page 31).

The Applicant respectfully disagrees with these assessments and notes that the augments presented above against the rejections of claims 1 and 10 apply equally against the rejections of claims 3-6 and 13-16, as these claims are dependent upon claims 1 and 10. As argued above, Komar does not disclose a data item that is represented by a *compacted* view of the data item and therefore does not disclose each and every limitation of the applicant's claims 3-6 and 13-16.

Based on the foregoing, the Applicant respectfully request that the 35 U.S.C. §102(e) rejections of claims 3-6 and 13-16 be withdrawn.

Regarding claims 7 and 17, the Examiner argued that Komar discloses a method and system as in claims 1 and 10 above and further discloses that the item comprises a graphical image (citing page 2, paragraph [0017]; and page 3, paragraph [0026]).

The Applicant respectfully disagrees with these assessments and notes that the augments presented above against the rejections of claims 1 and 10 apply equally against the rejections of claims 7 and 17, as these claims are dependent upon claims 1 and 10. As argued above, Komar does not disclose a data item that is represented by a *compacted* view of the data item and therefore does not disclose each and every limitation of the applicant's claims 7 and 17.

Additionally, Komar does not disclose that a data item comprises a graphical image. Komar discloses a "video stream" and not a graphical image. The term of a

"graphical image" as used in the art is a single image and is not used for a video stream. The terms "graphics" and "graphical images" typically refer only to pictures, photographs, diagrams, graphs, mathematical curves, drawings, geometric designs, maps, engineering drawings and like images. The Applicant's paragraph [0038] defines the data items in the application as "JPEG, MPEG, word processing files, spreadsheet files, text format files ad the like". Komar does not disclose a "graphical image" as used in the art, but discloses a "video stream".

Based on the foregoing, the Applicant respectfully request that the 35 U.S.C. §102(e) rejections of claims 7 and 17 be withdrawn, as Komar does not disclose each and every limitation of the Applicant's claims 7 and 17.

Regarding claims 8 and 18, the Examiner argued that Komar discloses a method and system as in claims 1 and 10 above and further discloses displaying a compacted view of plurality of data items in a display area of display screen, wherein at least one data item among said plurality of data items is displayed proximate to at least one object containing information relevant to said at east one data item, wherein a selection of said at least one object invokes a display of information relevant to said at least one data item (citing page 2, paragraph [0016]; page 23, paragraph [0023]; and page 4, paragraph [0031]).

Regarding claim 9, the Examiner argued that Komar discloses a method as in claim 1 above and further discloses: a) displaying data associated with said data item as a graphical icon on said display screen (citing Page 2, Paragraph 16 and 20); and b) displaying said at least one object as a graphical iconette embedded within a graphical frame surrounding said graphical icon, wherein said graphical iconette can be invoked by said user to display information relevant to said graphical icon (citing page 4, paragraph [0031]).

The Applicant respectfully disagrees with these assessments and notes that the augments presented above against the rejections of claims 1 and 10 apply

equally against the rejections of claims 8, 9 and 18, as these claims are dependent upon claims 1 and 10. As argued above, Komar does not disclose a data item that is represented by a *compacted* view of the data item and therefore does not disclose each and every limitation of the applicant's claims 8, 9 and 18.

Based on the foregoing, the Applicant respectfully request that the 35 U.S.C. §102(e) rejections of claims 8, 9 and 18 be withdrawn, as Komar does not disclose each and every limitation of the Applicant's claims 8, 9 and 18.

Regarding claim 20, the Examiner argued that Komar discloses a system comprising: a) at least one iconette associated with a data item wherein said at least one iconette contains information relevant to said data item (citing page 4, paragraph [0031]); and b) a display module for displaying a compacted view of said data item in a location of a display screen proximate to said at least one iconette, wherein a selection of said at least one iconette invokes a display of information relevant to said data item wherein said display module displays data associated with said data item as a graphical icon on said display screen (citing page 2, paragraph [0016]; page 2, paragraph [0020]; and page 4, paragraph [0031]).

The Applicant respectfully disagrees with these assessments and notes that the augments presented above against the rejections of claims 1 and 10 apply equally against the rejections of claim 20 as claim 20 has been amended in a similar fashion; the compacted view of the data item is a representation of the data item. As argued above, Komar does not disclose a data item that is represented by a *compacted* view of the data item.

Based on the foregoing, the Applicant respectfully request that the 35 U.S.C. §102(e) rejection of claim 20 be withdrawn as Komar does not disclose each and every limitation of the Applicant's claim 20.

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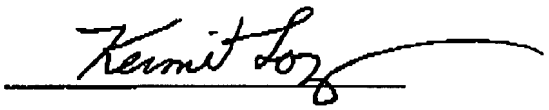
V. Conclusion

In view of the foregoing discussion, the Applicant has responded to each and every rejection of the Official Action. The Applicant has clarified the structural distinctions of the present invention. Applicant respectfully requests the withdrawal of the rejections under 35 U.S.C. §102 based on the preceding remarks. Reconsideration and allowance of Applicant's application is also respectfully solicited.

Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact the undersigned representative to conduct an interview in an effort to expedite prosecution in connection with the present application.

Respectfully submitted,

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